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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 JIMMY COLSON, an individual;

11 Plaintiff,

CASE NO.: 2:22-cv-1950-APG-BNW

12 v.
13 BULOW HOLDINGS, LLC, a Delaware
14 limited liability company; and, OSSUR
AMERICAS, INC., a California corporation;

15 Defendants.

**JOINT STATUS REPORT AND
STIPULATION AND ORDER TO
CONTINUE STAY OF ALL
PROCEEDINGS**

(SECOND REQUEST)¹

16

17 Pursuant to the Court’s prior Order to Continue Stay All Proceedings [ECF No. 12] dated
18 February 8, 2023, which directed the parties to submit a joint status report by March 31, 2023,
19 Plaintiff Jimmy Colson (“Plaintiff”) and Defendants Bulow Holdings, LLC and Ossur Americas,
20 Inc. (“Defendants”) (collectively the “Parties”), by and through their undersigned counsel, hereby
21 state the following:

22 **PROCEDURAL BACKGROUND**

23 1. On October 20, 2022, Plaintiff commenced this action in the Eighth Judicial District
24 Court for Clark County, Nevada against Defendants.

25

26 ¹ The Parties previously submitted a Joint Status Report and Stipulation and Proposed Order to
27 Continue Stay of All Proceedings [ECF Nos. 10 and 11], which was adopted by the Court in its
Order to Continue Stay of All Proceedings [ECF No. 12] on February 8, 2023. This is the second
28 request to continue the stay of these proceedings pending the outcome of the Parties’ continuing
mediation.

2. On November 18, 2022, Defendants removed the action to this Court.

3. On November 28, 2022, the Parties filed a Stipulation and [Proposed] Order
Setting Time for Defendants to File and Serve Their Answer or Other Response to the
Complaint [ECF No. 5], which was adopted and granted by the Court in its subsequent Order [ECF
No. 6] of November 29, 2022.

4. On December 8, 2022, the Parties submitted a Stipulation and [Proposed] Order to
all Proceedings [ECF No. 8] pending the scheduling and outcome of a planned mediation
between the Parties.

5. On December 9, 2022, the Court adopted the stipulation and issued its Order to
all Proceedings [ECF No. 9]. In its Order, the Court further directed that the Parties submit
status report within 60 days of the entry of the Order.

6. On February 7, 2023, the Parties submitted a Joint Status Report and Stipulation proposed Order to Continue Stay of All Proceedings [ECF Nos. 10 and 11] based on the ' mediation, which was scheduled for March 2, 2023. The Court adopted the stipulation order in its Order to Continue Stay of All Proceedings [ECF No. 12] on February 8, 2023, further directed that the parties submit a joint status report by March 31, 2023

STATUS OF PENDING MEDIATION

Since the staying of these proceedings, the Parties attended a mediation on March 2, 2023 MS in Las Vegas before the Honorable Phillip M. Pro (Ret.). During the mediation ence, it was determined by the Parties and Judge Pro that the negotiations would benefit ne informal exchange between the Parties of additional underlying documents. In light of termination, the parties and Judge Pro agreed to adjourn the mediation pending an exchange tional documents.

The above-referenced exchange of documents is currently underway. In order to further facilitate the orderly exchange of materials, the Parties have entered into a framework by which they have agreed to exchange materials and complete their review of those materials by the middle of May 2023. Following the completion of this exchange and review period, the Parties have agreed that they will then be able to elect to proceed with further alternative dispute

1 resolution (ADR), either by reconvening the mediation before Judge Pro or by arbitration.

2 In light of the above, the Parties respectfully wish to continue the stay of these proceedings
3 pending the completion of the above-described exchange and ADR effort. While the Parties have
4 not yet resolved their dispute with one another, the Parties are cooperating with one another and
5 wish focus their resources towards the potential resolution of their dispute.

6 **STIPULATION**

7 IT IS HEREBY STIPULATED AND AGREED, by the parties, through undersigned
8 counsel, pursuant to LR IA 6-1, 6-2, and LR 7-1, and subject to the approval of the Court, that:

9 1. All proceedings in this action remain stayed, including responses to the complaint,
10 discovery, motion practice, and case management conferences, pending further order of the Court;
11 and

12 2. The Parties shall file a joint status report by Friday June 30, 2023.

13 Dated this 24th day of March 2023

14 **IT IS SO AGREED AND STIPULATED**

15 SPENCER FANE LLP

HOLLY DRIGGS

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28 *Attorneys for Defendants Bulow Holdings,
LLC and Ossur Americas, Inc.*

IT IS SO ORDERED:


UNITED STATES DISTRICT JUDGE

DATED: March 27, 2023